



OCT - 9 2009

For The Northern Mariana Islands
By _____
(Deputy Clerk)

USCA DOCKET # (IF KNOWN) _____

**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
CIVIL APPEALS DOCKETING STATEMENT**

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY

TITLE IN FULL RANDALL T. FENNELL V. MATTHEW T. GREGORY, former Attorney General, GREGORY BAKA, Acting Attorney General, ANTHONY WELCH, Assistant Attorney General and TOM J. SCHWEIGER, Assistant Attorney General	DISTRICT: USDCNMI JUDGE: Alex R. Munson, Chief Judge	
	DISTRICT COURT NUMBER: Civil No. 09-0019	
	DATE NOTICE OF APPEAL FILED: 10/09/2009	IS THIS A CROSS-APPEAL? <input type="checkbox"/> YES
	IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY): _____	

BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:

This is a civil action brought under 42 U.S.C. section 1983 alleging in violation of plaintiff's First Amendment, equal protection, and due process rights. Defendant-Appellants seek review of the trial courts denial of qualified immunity.

PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL:

The trial court ruled if the facts alleged are proven the Defendant-Appellants violated in a new and novel way Plaintiff-Appellee's rights. Government officials are entitled to qualified immunity if the Constitutional Right violated was not clearly established. Did the trial court err in finding that a new and novel violation is clearly established?

PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POST JUDGMENT MOTIONS):

N/A

DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:

- Possibility of settlement
- Likelihood that intervening precedent will control outcome of appeal
- Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify) _____
- Any other information relevant to the inclusion of this case in the Mediation Program _____
- Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges _____

LOWER COURT INFORMATION

ORIGINAL

JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
<input checked="" type="checkbox"/> FEDERAL QUESTION	<input type="checkbox"/> FINAL DECISION OF DISTRICT COURT	<input type="checkbox"/> DEFAULT JUDGMENT	<input type="checkbox"/> DAMAGES: SOUGHT \$ _____ AWARDED \$ _____
<input type="checkbox"/> DIVERSITY	<input checked="" type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT	<input type="checkbox"/> DISMISSAL/JURISDICTION	<input type="checkbox"/> INJUNCTIONS:
<input type="checkbox"/> OTHER (SPECIFY):	<input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY): <input type="checkbox"/> OTHER (SPECIFY):	<input checked="" type="checkbox"/> DISMISSAL/MERITS <input type="checkbox"/> SUMMARY JUDGMENT <input type="checkbox"/> JUDGMENT/COURT DECISION <input type="checkbox"/> JUDGMENT/JURY VERDICT <input type="checkbox"/> DECLARATORY JUDGMENT <input type="checkbox"/> JUDGMENT AS A MATTER OF LAW <input type="checkbox"/> OTHER (SPECIFY):	<input type="checkbox"/> PRELIMINARY <input type="checkbox"/> PERMANENT <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input type="checkbox"/> ATTORNEY FEES: SOUGHT \$ _____ AWARDED \$ _____ <input type="checkbox"/> PENDING <input type="checkbox"/> COSTS: \$ _____

CERTIFICATION OF COUNSEL**I CERTIFY THAT:**

1. COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED
2. A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).
3. A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
4. I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.


Signature _____ Date 10/9/09

COUNSEL WHO COMPLETED THIS FORM

NAME: BRADDOCK HUESMAN

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* THIS DOCUMENT SHOULD BE FILED IN THE DISTRICT COURT WITH THE NOTICE OF APPEAL *
 * IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS *